

## **2. REMARKS/ARGUMENTS**

### **2.1 STATUS OF THE CLAIMS**

*Claims 8-19, 32-35, 39, 40 and 44-52 were pending at the time of the Action.*

*Claims 11 and 13 are canceled herein without prejudice or disclaimer.*

*Claims 8, 12, 14, 19, 33, 44 and 46-49 are amended herein.*

*Claim 53 has been added herein.*

*Claims 8-10, 12, 14-19, 32-35, 39, 40 and 44-53 are pending in the application.*

Reconsideration of the presently-pending claims is respectfully requested in light of the above amendments and the following remarks.

### **2.2 SUPPORT FOR THE CLAIMS**

Complete support for the language of all pending claims can be found throughout the specification and claims as originally filed, and it is Applicants' belief that no new matter is incorporated because of the accompanying amendment.

Should any fees be deemed necessary in connection with the entry of the amendment and consideration of the accompanying remarks/response, the Commissioner is hereby authorized to deduct any necessary amounts from Deposit Account No. 08-1934, Order No. 36677.29.

### **2.3 THE INDEFINITENESS REJECTIONS ARE OVERCOME.**

*The Action at pages 3-6 rejected claims 8-19, 33-35, 40, 44-50 and 52 under 35 U. S. C. § 112, 2nd paragraph, allegedly as being indefinite.*

Claim 8 (and its dependencies) was rejected allegedly as indefinite for recitation of A1 as a non-reversible N-substituent when considering the compounds of general formulas I and II . Applicants have amended claim 8 to correct this inadvertent oversight.

Claim 11 and its dependency, claim 12, were rejected as allegedly being indefinite because it was unclear as to what the term "it" was referring to.

Applicants respectfully traverse. However, in the interest of proceeding claims of particular relevance to issuance, to maximize patent term, and to avoid the financial consequences and time delays inherent with a protracted prosecution, Applicants have nevertheless canceled claim 11 without prejudice or disclaimer, and have changed the dependency of claim 12 to read on newly-added claim 53. These actions impart an improved clarity to the claim language, and Applicants believe that the specifically address each of the Examiner's concerns.

Claims 32 and 33 were included as part of the rejection, although Applicants respectfully note that these independent claims do not recite the structure of the cyclic peptide, and therefore, and as such, asserts that these claims are fully definite, and do not require further modification to render the claims definite. In claims 32 and 33, the first step of the process involves synthesis of a linear solid support-bound peptide that is defined by reference to General Formula XIII (which *does* include substituents A1 and A2) which is manipulated as defined in the respective claims to yield a peptide of General Formula XIV or XVI, respectively. In further optional steps, these compounds *can* be further manipulated when A1 is a reversible substituent to produce a peptide of General Formula I or General Formula II as appropriate.

In cases where A1 is a non-reversible substituent the optional step (d) of claim 32 and optional steps (d) and (e) of claim 33 will not be undertaken, and the substituent A1 at least will remain on the peptide. This is an embodiment that is clearly set forth in the application, and is properly set forth in claims 32 and 33, which are of different scope than amended claim 8. Applicants believe the accompanying amendment sets forth the different inventions as claimed in the three independent claims, and that each now provides the requisite definiteness. As such, Applicants respectfully request that these rejections also now be withdrawn.

Claim 46 was rejected as allegedly being indefinite because of use of the term "derived from." Applicants have remedied this concern by the accompanying amendment of claim 46.

Claim 48 was also considered to be allegedly indefinite because of its dependency upon claim 19. Applicants have also remedied this concern by the accompanying amendment of claim 48. To that end, Applicants respectfully request that the rejection of claims 46 and 48 now be withdrawn.

## 2.4 CONCLUSION

It is respectfully submitted that all claims are fully enabled by the Specification, and that all claims are definite and free of the prior art. Applicants believe that the claims are acceptable under all sections of the Statutes and are now in condition for ready allowance, and that all of the concerns of the Examiner have been resolved. Applicants earnestly solicit concurrence by the Examiner and the issuance of a Notice of Allowance in the case with all due speed.

Applicants also note for the record their explicit right to re-file claims to one or more aspects of the invention as originally claimed in one or more continuing application(s) retaining the priority claim from the present and parent cases.

Should the Examiner have any questions, or should any issues remain outstanding, a telephone call to the undersigned Applicants' representative is earnestly solicited.

Respectfully submitted,



Mark D. Moore, Ph.D.  
Registration No. 42,903

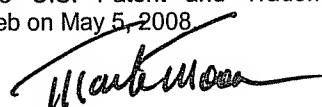
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HAYNES AND BOONE, LLP  
901 Main Street, Suite 3100  
Dallas, Texas 75202-3789

Customer Number 00027683  
Serial Number: 09/806,036

Telephone: 713-547-2040  
Facsimile: 214 200-0853  
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Michelle Baxter *Michelle Baxter*